

REMARKS

At the outset, it should be recalled that the present invention, as broadly claimed, discloses a method for playing a collateral wagering game in combination with a standard wagering game, which includes the steps of:

making a wager by each player participating in a standard wagering game;

making an additional wager by each player on an outcome of the standard wagering game, the additional wager by each player being optional for participating in a collateral wagering game;

conducting the standard wagering game as a network-linked game played at a plurality of venues for allowing a plurality of players to play the standard wagering game where all players of the plurality of players are not present at a single venue, the plurality of venues not being all included within one casino;

determining whether the outcome of the standard wagering game comprises a winning outcome for each player, wherein a prize amount for the standard wagering game is determined when the winning outcome is achieved in the standard wagering game, each player being capable of having the winning outcome in the standard wagering game and receiving the prize amount for the standard wagering game without having to place the additional wager for participating in the collateral wagering game;

allocating a prize value to the collateral wagering game based upon the winning outcome in the standard wagering game;

determining a collateral game prize value for each player in the collateral wagering game when each player has made said additional wager for participating in the

collateral wagering game; and,

paying each player a total prize amount based upon the prize amount as determined in the standard wagering game and the collateral game prize value for the collateral wagering game, as each player is determined to be entitled to receive based upon the outcome of the standard wagering game.

As claimed, the standard wagering game is intended to be played at a plurality of venues, via a network link, and, preferably, played at the same speed at all venues at which the standard wagering game is conducted, as recited in dependent Claims 28, 31, 34 and 37. The standard wagering game may, for example, be a lottery game or keno.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel method for playing a standard wagering game at a plurality of venues, in combination with an optional collateral wagering game, disclosed or suggested.

Applicant and his Attorney wish to thank the Examiner for withdrawing the prior art rejection, issued January 23, 2008. The latest Office Action, issued April 16, 2008, has been made “final” and applies Jones *et al.*, U.S. Patent No. 5,377,973 (“Jones *et al.* ‘973”) as the primary reference in a newly-issued obviousness rejection. The Examiner has specifically applied Jones *et al.* ‘973 for its contended teaching of a method for playing a collateral wagering game in combination with a standard wagering game, in which each player has the option of making an additional wager on the outcome of the standard wagering game. Jones *et al.* ‘973 teaches that a player may win the standard wagering game without having to place the additional wager for participating in the collateral

wagering game. A winning player is paid the prize amount, as determined in the standard wagering game, in addition to the total prize value for the collateral wagering game, the progressive jackpot component, the player is entitled to receive.

In reply to the third Office Action, which applied Jones *et al.* '973 as an anticipatory reference under 35 U.S.C. §102(b), Applicant's *Amendment in Response to the Third Office Action*, filed January 31, 2008, amended Applicant's claims and distinguished over Jones *et al.*, '973 by explaining that pending independent Claims 20, 22, 24 and 26 are limited to a method for playing a standard wagering game, in combination with a collateral wagering game, which does not take place solely within one gaming establishment, such as a casino. The pending set of claims are, in fact, written such that there is no requirement that any gaming venue must be a "casino," only that the presently claimed invention excludes a method for playing a standard wagering game, and related collateral game, within the confines of a single casino, a gaming establishment or building housing such game.

In the latest Office Action, the Examiner has now applied Jones *et al.* '973 as the primary reference in a new obviousness rejection, issued pursuant to 35 U.S.C. §103(a), and has secondarily-applied Paulsen *et al.*, U.S. Patent No. 5,393,067, on the contention that Paulsen *et al.* teaches that conducting a standard individual wagering game as a network-linked game played at a plurality of venues, or one or more gaming establishments, is known to the art. The Examiner has therefore concluded, in the final Office Action dated April 16, 2008, that it would have been obvious to have modified the progressive

jackpot component of Jones *et al.*. '973 by providing the game tables of the primarily-applied reference at different gaming establishments, and network-link these games, as taught by Paulsen *et al.* in order for players at the different gaming establishments to play the Jones *et al.*. '973 game at several venues and contribute to the progressive jackpot component, thereby yielding that contended to now be claimed by the instant Applicant.

As a matter of record, Jones *et al.*. '973 recites an actual filing date of March 14, 1994, which is subsequent to Applicant's Australian priority claim of August 27, 1993, thus rendering Jones *et al.*. '973 not directly citable against the present Applicant. Applicant's Attorney has carefully reviewed the prior patents cross-referenced by Jones *et al.*. '973, namely, U.S. Patent Nos. 4,861,041 ("Jones *et al.*. '041") and 5,078,405 ("Jones *et al.*. '405"), which both antedate Applicant's effective filing date and would appear to have identical disclosures to one another. As such, Applicant does not object to the application of Jones *et al.*. '973 against the claims of the present application for the feature relied upon by the Examiner in Jones *et al.*. '973, as part of the latest Office Action when rendering the newly-issued §103(a) obviousness rejection.

In reply to the Examiner's 35 U.S.C. §103(a) obviousness rejection applying Jones *et al.*. '973, taken in view of Paulsen *et al.*, Applicant and the Examiner would appear to be in agreement, by virtue of the Examiner's withdrawal of the anticipation rejection of the prior Office Action, which applied Jones *et al.*, '973, that the primary reference does not disclose conducting a standard wagering game as a network-linked game at a plurality of venues. Whether the newly-issued obviousness rejection should be

withdrawn or sustained would therefore depend on whether Paulsen *et al.* teaches the feature absent from Jones *et al.* '973. Applicant respectfully submits that Paulsen *et al.* lacks the required teaching: Paulsen *et al.* explains at Col. 2, lines 14-18, that:

“Pursuant to the present invention, live card games, and in particular blackjack, continue to be played on individual card playing tables pursuant to customary rules of play. According to the invention, a separate jackpot play or component is superimposed.”

Paulsen *et al.*, it is respectfully submitted, does not, in fact, teach “conducting [a] standard wagering game as a network-linked game played at a plurality of venues,” as recited in Applicant’s pending independent Claims 20, 22, 24 and 26, but, instead, teaches playing the “standard wagering game” (*i.e.*, blackjack) “on individual card playing tables pursuant to customary rules of play.” (*See*, Paulsen *et al.* at Col. 2, lines 14-18) Further, each individual card playing table has its own dealer. (*See*, Paulsen *et al.* at Col. 5, lines 20-28; FIGS. 1-2)

Hence, while there is a jackpot component taught by Paulsen *et al.*, in which players at a plurality of venues participate, so that the jackpot is rapidly increased, the individual, or standard, wagering game, itself, is still played on individual gaming tables, each having its own dealer and confined to a single venue. A single “standard wagering game” is not taught by Paulsen *et al.* as being conducted “as a network-linked game at a plurality of venues,” as is claimed by the instant Applicant. The jackpot in Paulsen *et al.* is based on a multitude of individual standard wagering games; each played in only one venue, rather than a single wagering game played across many venues.

Combining the teachings and suggestions of Jones *et al.* '973 with those of Paul-

sen *et al.* would still fail to yield a method for playing a gambling game that includes the steps of “conducting the standard wagering game as a network-linked game played at a plurality of venues for allowing a plurality of players to play the standard wagering game where all players of the plurality of players are not present at a single venue,” because neither of the applied references discloses playing a single wagering game – the same game in which all players participate at the same time – at a plurality of venues.

Further, dependent Claims 28, 31, 34 and 37 recite the limitation that:

“said step of conducting the standard wagering game as a network-linked game played at a plurality of venues includes the step of conducting the standard wagering game at an equal speed for all venues of said plurality of venues.” (emphasis added)

While the Examiner has stated that the limitation of Claims 28, 31, 34 and 37 is obvious over the combination of Jones *et al.*, ‘973, taken in view of Paulsen, because “dealers dealing cards in blackjack games at all casinos deal cards at approximately the same speed” and that “blackjack is played at approximately an equal speed in all casinos,” the recognition by the Examiner that individual blackjack games played at individual casinos are only likely to be played at “approximately” the same speed, signifies that, in fact, the individual blackjack games – the “standard wagering game” – played at a plurality of venues cannot realistically be assumed to be played at precisely an “equal” speed at all venues, because the blackjack game played in Paulsen *et al.* is not the “same” game or a “single” standard wagering game played simultaneously across a plurality of venues, as claimed by Applicant in pending independent Claims 20, 22, 24 and 26, as well as dependent Claims 28, 31, 34 and 37, which dependent claims are submitted to be

separately patentable over the prior art.

Applicant respectfully submits that the foregoing distinctions and limitations in each of independent Claims 20, 22, 24 and 26, as well as dependent Claims 28, 31, 34 and 37, are sufficient for distinguishing the claimed "method of playing a collateral wagering game in combination with a standard wagering game" over the applied prior art of Jones *et al.*, 973, taken in view of Paulsen *et al.*

Accordingly, withdrawal of the Examiner's 35 U.S.C. §103(a) obviousness rejection of the final Office Action, dated April 16, 2008, which applies Jones *et al.*, '973, taken in view of Paulsen *et al.*, is respectfully requested.

In light of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (*i.e.*, Claims 20-39) recite a novel method for playing a gambling game, which includes the step of conducting a single standard wagering game across a plurality of venues, which is patentably distinguishable over the prior

art. Accordingly, withdrawal of the final rejection and the allowance of all claims are respectfully requested and earnestly solicited.

Respectfully submitted,

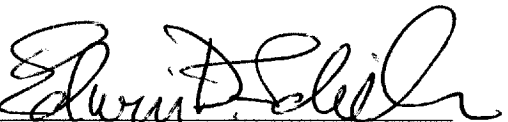
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The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.